

REMARKS

The Applicant and its attorney expressly acknowledge the indication by the Examiner that claims 9-11 are allowed and that claims 3-6 would be allowable if rewritten in independent form including all of the limitations of the base claim and the intervening claims.

In view of the interview conducted with the Examiner on November 25, 2003, the Applicant respectfully requests entry of an amendment to independent claim 1 which now sets forth that the second substrate is provided with first electrode sections each having first thickness and height and a plurality of separate second electrode sections each having a second thickness and height. The claim further sets forth that the areas of the first electrode sections in total and the areas of the separate second electrode sections in total being equal to each other on the second substrate. As indicated in the interview summary, the Kubo reference does not teach or suggest such a limitation. Therefore, it is respectfully requested that the anticipation rejection under 35 U.S.C. §102(e) be withdrawn. With it being the position of the Applicant that claim 1 is allowable, all claims depending therefrom are likewise believed to be allowable. The amendment to claim 4 is for clarification purposes.

Although it is believed that no fee is required with the filing of this Amendment, the Assistant Commissioner of Patents and Trademarks is hereby authorized to withdraw any required funds from Deposit Account No. 18-0987. If a withdrawal is required from Deposit Account No. 18-0987, the undersigned attorney respectfully requests that the Assistant Commissioner of Patents and Trademarks cite Attorney Docket Number KYO.P0006 for billing purposes.

Application No.: 09/839,560
Amendment dated: January 15, 2004
Reply to Office Action of December 3, 2003

Should the Examiner deem a telephone call to be beneficial in resolving any remaining matters or to place the claims in better form for allowance, the same would be greatly appreciated.

Respectfully submitted,



Edward G. Greive, Reg. No. 24,726
Andrew B. Morton, Reg. No. 37,400
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
E-mail: abmorton@rennerkenner.com

Attorney for Applicant(s)

January 15, 2004